

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

CAROLYN EGAN, On Behalf of Herself and All  
Others Similarly Situated,

Plaintiff,

v.

MORGAN STANLEY & CO. INCORPORATED,  
MORGAN STANLEY, MORGAN STANLEY,  
THE INVESTMENT COMMITTEE OF THE  
MORGAN STANLEY 401(k) PLAN (f/k/a THE  
MORGAN STANLEY DPSP/START PLAN),  
THE MORGAN STANLEY GLOBAL  
DIRECTOR OF HUMAN RESOURCES, WALID  
A. CHAMMAH, CHARLES CHASIN, ZOE  
CRUZ, RICHARD PORTOGALLO, JAMES P.  
GORMAN, NEAL A. SHEAR, CORDELL G.  
SPENCER, and JOHN DOE DEFENDANTS 1-30,

Defendants.

Civil Action: 07 Civ. 11285 (RWS)

[Captions Continue on Next Page]

**PLAINTIFFS MICHAEL CHIECKO, ELI MOND, ELENA RAMOS, ALVIN SAINI AND  
JOHN SUDOLSKY, RESPONSE TO THE EGAN AND SIEFKEN  
PLAINTIFFS' MOTION FOR (1) CONSOLIDATION (2) APPOINTMENT OF LEAD  
PLAINTIFFS AND LEADERSHIP STRUCTURE AND (3) ENTRY OF [PROPOSED]  
PRETRIAL ORDER NO 1**

JOHN SIEFKEN, On Behalf of Himself and All  
Others Similarly Situated,

Plaintiff,

v.

MORGAN STANLEY, MORGAN STANLEY &  
CO. INC., MORGAN STANLEY PLANS  
“INVESTMENT COMMITTEE,” MORGAN  
STANLEY PLANS “ADMINISTRATIVE  
COMMITTEE,” JOHN J. MACK, C. ROBERT  
KIDDER, ERSKINE B. BOWLES, DONALD T.  
NICOLAISEN, and JOHN DOES 1-10,

Defendants.

Civil Action: 07 Civ. 11456 (JGK)

C. KENNETH COULTER, On Behalf of Himself  
and All Others Similarly Situated,

Plaintiff,

v.

MORGAN STANLEY, MORGAN STANLEY &  
CO. INCORPORATED, MORGAN STANLEY,  
THE INVESTMENT COMMITTEE, THE PLAN  
ADMINISTRATOR, THE MORGAN STANLEY  
GLOBAL DIRECTOR OF HUMAN  
RESOURCES, JOHN J. MACK, ROY J.  
BOSTOCK, ERSKINE B. BOWLES, SIR  
HOWARD J. DAVIES, KAREN JAMESLEY, C.  
ROBERT KIDDER, DONALD T. NICOLAISEN,  
CHARLES H. NOSKI, HUTHAM S. OLAYAN,  
CHARLES E. PHILLIPS, JR., O. GRIFFITH  
SEXTON, DR. LAURA D. TYSON, DR. KLAUS  
ZUMWINKEL, and JOHN DOES 1-30,

Defendants.

Civil Action: 07 Civ. 11624 (RWS)

<p>MICHAEL CHIECKO, ELI MOND, ELENA RAMOS, ALVIN SAINI and JOHN SUDOLSKY, On Behalf of Themselves And All Others Similarly Situated</p> <p>Plaintiffs,</p> <p>vs.</p> <p>MORGAN STANLEY &amp; CO., INCORPORATED, THE INVESTMENT COMMITTEE OF MORGAN STANLEY 401(k) PLAN, THE MORGAN STANLEY GLOBAL DIRECTOR OF HUMAN RESOURCES, WALID A. CHAMMAH, CHARLES CHASIN, ZOE CRUZ, RICHARD PORTOGALLO, JAMES P. GORMAN, NEAL A. SHEAR, CORDELL G. SPENCER, and JOHN DOE DEFENDANTS 1-30,</p> <p>Defendants</p>	<p>Civil Action: 08-CV- 1206</p>
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On February 6, 2008, Plaintiffs Michael Chiecko, Eli Mond, Elena Ramos, Alvin Saini and John Sudolsky, (the “Chiecko Plaintiffs”) filed a complaint against Morgan Stanley & Co., and certain of its directors, officers, and employees, for violations of the Employee Retirement Income Security Act (“ERISA”). See Michael Chiecko, Eli Mond, Elena Ramos, Alvin Saini and John Sudolsky v. Morgan Stanley & Co., et al., No. 08-cv-1206.

The Chiecko Plaintiffs have reviewed the competing motions for appointment of interim class counsel and the papers in support thereof. The Plaintiffs hereby join in the motion filed by plaintiffs Carolyn Egan and John Siefken (the “Egan Plaintiffs”) pursuant to Federal Rule of Civil Procedure 23(g), and supports the appointment of the Egan Plaintiffs’ counsel, Wolf Haldenstein Adler Freeman & Herz LLP and Schiffriin Barroway Topaz & Kessler, LLP, as Interim Class Counsel.

The Chiecko Plaintiffs do not oppose the consolidation of these related actions.

Dated: February 6, 2008

**GAINESY & MCKENNA**

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**Attorneys for Plaintiffs Michael Chiecko,  
Eli Mond, Elena Ramos, Alvin Saini and  
John Sudolsky**